

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

PATRICK HIGGINS,)
)
 Plaintiff,) CIVIL ACTION NO.
) 10-11606-DPW
 v.)
)
 RICHARD LOOKER, NICOLE LEVESQUE,)
 THOMAS EATON, ROBERT FURTADO,)
 KENNETH FURTADO, M SCOTT VENTURA,)
 ROBERT MARQUIS and THE TOWN OF)
 SWANSEA, MASSACHUSETTS)
)
 Defendants.)

MEMORANDUM AND ORDER

March 26, 2013

The plaintiff seeks to reinstate this civil action closed administratively when he went into bankruptcy. The bankruptcy stay prevented me from considering the defendants' earlier filed motion to dismiss and the bankruptcy trustee, declaring plaintiff's estate to be without assets, did not elect to pursue this matter as a chose in action which might otherwise be considered an asset of the estate. It is apparent that the statute of limitations had passed before this case was filed and that the constitutional claim and its related pursuit of damages as a substantive matter presents a claim upon which no relief may be granted. Rather than reopening the case only to close it through allowance of the defendants' motion to dismiss, I hereby DENY the motion (#40) to reopen and direct the clerk to terminate the matter on the merits.

/s/ Douglas P. Woodlock

DOUGLAS P. WOODLOCK
UNITED STATES DISTRICT JUDGE